

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 5, and 16-19 are currently being amended.

Claim 7 is being canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-6, 8-19 are now pending in this application.

### **1. Claim Rejections – 35 U.S.C. § 103(a)**

Claims 1, 3-6, 8-10, and 13-19 were rejected under § 103 (a) as being anticipated by Kim et al: “A Low-Cost WDM Source with an ASE Injected Fabry-Perot Semiconductor Laser,” IEEE Photonics Technology Letters, Vol. 12, No. 8, August 2000, pp. 1067-1069, in view of U.S. Patent No. 6,449,074 by Okano et al and Obermann et al: “Performance Analysis of Wavelength Converts Based on Cross-Gain Modulation in Semiconductor-Optical Amplifiers,” Journal of Lightwave Technology, Vol. 16, No. 1, January 1998, pp. 78-85. Applicants respectfully submit that these references, alone or in combination, do not anticipate or render obvious that which is claimed in the present application.

### **Independent Claim 1**

Claim 1 was rejected under § 103 (a) as being unpatentable over Kim et al, in view of Okano et al and Obermann et al. Claim 1 now recites “the optical network units are configured to transmit respective data signals to the kerb location, wherein the kerb location includes a plurality of optically pumped sources, the optically pumped sources each comprising a laser cavity, mirrors defining the cavity, and wavelength selective elements inside the cavity.”

Claim 1 now incorporates the limitations of claim 7. This amendment is proper under 37 C.F.R. 1.116 and MPEP 714.12 because it puts the application in better form for appeal. Applicants further submit that this amendment puts the application in condition for allowance, as will be described below. This amendment does not create new issues requiring further consideration or search because the limitations of claim 7 were previously searched in accordance with MPEP 904.03.

Claim 7 was rejected under § 103 (a) as being unpatentable over Kim et al, Okano et al, and Obermann et al, in view of U.S. Publication No. 2004/0067059 by Song et al. Applicants respectfully submit that the Examiner’s rejection was improper. Song et al. is not available as a prior art reference to the present application, as Song et al. was filed after the filing date of the present application.

Further, the Office Action states: “Kim et al. and Okano et al. and Obermann et al. do not disclose that the optically pumped sources each comprise mirrors defining the cavity, and wavelength selective elements inside the cavity.” (Office Action, p.23.) Thus, even assuming, *arguendo*, the combination of these three references is proper, the combination fails to teach or suggest all elements of claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Dependent claims 3-15 include the limitations of independent claim 1, and are therefore allowable for at least the same reasons that claim 1 is allowable. Accordingly, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

### **Independent Claims 16, 17, 18, and 19**

Claims 16, 17, 18, and 19 were rejected under § 103 (a) as being unpatentable over Kim et al, in view of Okano et al and Obermann et al. These claims recite “a plurality of laser cavities configured to select a resonance level of an incident light.” As stated above, the Office Action states that Kim et al., Okano et al., and Obermann et al. do not disclose wavelength selective elements inside the cavity. Claims 16, 17, 18, and 19 are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

### **Dependent Claims 11, and 12**

Claims 11, and 12 were rejected under § 103 (a) as being unpatentable over Kim et al, in view of Okano et al, Obermann et al, and U.S. Patent Publication No. 2004/0067059 to Song et al. Claims 11, and 12 are dependent on independent claim 1. As discussed above, Song et al is not available as prior art, and these limitations are not taught or suggested in the other three references. Accordingly, even assuming, *arguendo*, that Kim et al is properly combinable with Okano et al and Obermann et al, the combination would fail to teach or suggest all elements of these claims. Reconsideration and withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

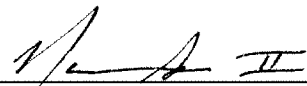
amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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